

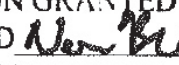


28 Liberty Street, 30th Floor • New York, NY 10005
Telephone: (212) 300-0375 • Facsimile: (212) 481-1333 • www.fslawfirm.com

June 22, 2022

VIA CM/ECF

The Honorable Vernon S. Broderick, U.S.D.J.
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, New York 10007

APPLICATION GRANTED
SO ORDERED 
VERNON S. BRODERICK
U.S.D.J. 06/23/22

All deadlines in this case are stayed through
September 21, 2022. The deadline for Defendant to
respond to the complaint is now September 21, 2022.

Re: Smith v. Akela Contracting LLC et al., No. 22 Civ. 01185 (VSB)(KHP)
Parties' Joint Request for Stay of All Pending Deadlines Pending Mediation

Dear Judge Broderick:

We represent named plaintiff, Anthony Smith, the opt-in plaintiffs, and the putative collective/class members (collectively, "Plaintiff") in the above-referenced matter. We write, jointly and with the consent of counsel for defendants herein, Akela Contracting LLC, Civetta Cousins JV, LLC, and Karine Williams (collectively, "Akela"), and JDV Safety Inc., All Eyes on Safety Inc., and Brian McDermott (collectively, "JDV", and, together with Plaintiff and Akela, the "Parties"), in order to respectfully request that, for the reasons set forth, below, the Court grant the Parties' herein request for stay of all pending deadlines in this matter pending the mediation of their dispute.

The Parties, by and through their respective counsel, have, recently and in good faith, met-and-conferred with one another on several occasions as to the possibility of resolving this action, in its entirety and without need for further litigation, via mediation, and in advance of which they have already agreed to voluntarily participate in informal, albeit targeted, discovery. Moreover, the Parties have already exchanged lists of prospective mediators to whom they would be willing to submit their underlying dispute once the aforesaid informal discovery has been exchanged and completed.

In order to permit the Parties to move forward with the aforesaid alternative dispute resolution process, and thereby avoid the potentially needless consumption of their, and the Court's, time and resources, the Parties hereby jointly request a stay of ninety (90) days of all current or otherwise applicable deadlines. Currently, the deadline by which Akela and JDV are to answer or otherwise respond to the Complaint is June 23, 2022. To date, no scheduling order has been entered in this matter.

Akela's participation in, consent to, and joint submission of the herein request, as well as their participation in any mediation that may hereafter occur, shall neither constitute nor be construed as consenting, or otherwise submitting to, the jurisdiction of the Court in connection

Fitapelli & Schaffer, LLP

June 22, 2022

Page 2 of 2

with this matter, and the said request has been submitted without waiver of any jurisdictional defenses or objections that may be available to Akela under the circumstances presented in the matter at bar, all of which are hereby expressly reserved.

This is the first request by any Party to this action for a stay of any pending deadlines. On behalf of all Parties, we thank the Court for its time and consideration of the herein joint request.

Respectfully submitted,

/s/ Armando A. Ortiz

Armando A. Ortiz

CC:

All Counsel of Record (via CM/ECF)